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BY ECF

The Honorable Analisa Torres
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: The New York Times Company and Charlie Savage v. U.S. Department of Justice, 14 Civ. 3776 (AT)

Dear Judge Torres:

I am counsel for Plaintiffs in the above-reference Freedom of Information Act (“FOIA”) case. I write on behalf of both Plaintiffs and Defendant to respectfully request an extension of the briefing schedule for summary judgment. The additional time is requested because Defendant Department of Justice (“DOJ”) intends to release previously redacted or withheld portions of documents in response to the underlying FOIA request, and that release may alter the issues that need to be addressed in motion practice.

At issue in this action is a FOIA request by The New York Times Company and Charlie Savage (“The Times”) for certain reports by inspectors general concerning Government surveillance programs. DOJ had completed its production of documents in accordance with a schedule set by the Court and motion practice was then set to proceed as to withheld materials, but DOJ has now determined that certain additional material can be declassified and released. DOJ has advised The Times that it intends to release the additional material by September 17, 2015. Under the current briefing schedule, set by Order of the Court, dated July 20, 2015, The Times is to file its motion for summary judgment on September 16, 2015. The parties continue to agree that motion practice in this case will proceed more efficiently if briefing is further deferred until after DOJ completes its production of documents.

Accordingly, the parties jointly request that the Court modify the briefing schedule as follows, with some accommodation for intervening holidays:

The Times's motion for summary judgment: October 7, 2015

DOJ's opposition and cross-motion for summary judgment: November 9, 2015

The Times's opposition and reply brief: December 2, 2015

DOJ's reply brief: January 6, 2016.

The parties thank the Court for its time and consideration of this request.

Respectfully submitted,



David E. McCraw

cc: John D. Clopper, Esq. (AUSA)